

HOUSE BILL 503

C9

5lr0453
CF SB 430

By: The Speaker (By Request – Administration) and Delegates Allen, Amprey, Boaf, Fennell, Foley, Hornberger, D. Jones, Kerr, J. Long, Palakovich Carr, Phillips, Ruff, Schindler, Simpson, Taylor, Turner, Vogel, and Woods

Introduced and read first time: January 22, 2025

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 15, 2025

CHAPTER _____

1 AN ACT concerning

2 ~~Land Use – Regional Housing Infrastructure Gap~~
3 ~~(Housing for Jobs Act)~~
4 Housing Development Act

5 FOR the purpose of requiring the Department of Housing and Community Development
6 ~~and the Department of Planning to calculate certain regional housing infrastructure~~
7 ~~gaps; providing for the apportionment of regional housing infrastructure gaps to~~
8 ~~counties and incorporated municipalities; authorizing local jurisdictions to reduce~~
9 ~~local housing infrastructure gaps in a certain manner; establishing that certain local~~
10 ~~jurisdictions have an affirmative obligation to expeditiously approve housing~~
11 ~~development project applications; prohibiting certain local jurisdictions from~~
12 ~~denying certain housing development project applications without certain~~
13 ~~justifications; to periodically establish housing production targets for the State and~~
14 certain local jurisdictions; requiring the Department to publish housing production
15 targets on its website and notify certain local jurisdictions; requiring the Department
16 to publish an annual report assessing the progress of the State and certain local
17 jurisdictions with meeting specified housing targets; requiring that the approval of
18 a housing development project application by a local jurisdiction or the
19 Maryland–National Capital Park and Planning Commission be governed by certain
20 laws and regulations; providing that certain housing development projects have
21 certain vested rights related to use and development for a certain time period;
22 establishing the Housing Opportunities Made Equitable Commission to study and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



make recommendations on ways the State and local governments can improve the housing supply and housing affordability; and generally relating to housing development and land use.

BY repealing and reenacting, without amendments,

Article – Land Use

Section 1–101(a) and (i)

Annotated Code of Maryland

(2012 Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,

Article – Land Use

Section 1–401 and 10–103

Annotated Code of Maryland

(2012 Volume and 2024 Supplement)

BY adding to

Article – Land Use

Section 12–101 through ~~12–203~~ 12–302 to be under the new title ~~“Title 12. Regional Housing Infrastructure Gap”~~ “Title 12. Housing Development Act”

Annotated Code of Maryland

(2012 Volume and 2024 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That the Laws of Maryland read as follows:

Article – Land Use

1–101.

(a) In this division the following words have the meanings indicated.

(i) “Local jurisdiction” means a county or municipal corporation and the territory within which its powers may be exercised.

1–401.

(a) Except as provided in this section, this division does not apply to charter counties.

(b) The following provisions of this division apply to a charter county:

(1) this subtitle, including Parts II and III (Charter county – Comprehensive plans);

(2) § 1–101(l), (m), and (o) (Definitions – “Plan”, “Priority funding area”, and “Sensitive area”);

- 1 (3) § 1–201 (Visions);
- 2 (4) § 1–206 (Required education);
- 3 (5) § 1–207 (Annual report – In general);
- 4 (6) § 1–208 (Annual report – Measures and indicators);
- 5 (7) Title 1, Subtitle 3 (Consistency);
- 6 (8) Title 1, Subtitle 5 (Growth Tiers);
- 7 (9) § 4–104(c) (Limitations – Bicycle Parking);
- 8 (10) § 4–104(d) (Limitations – Manufactured homes and modular dwellings);
- 9 (11) § 4–208 (Exceptions – Maryland Accessibility Code);
- 10 (12) § 4–210 (Permits and variances – Solar panels);
- 11 (13) § 4–211 (Change in zoning classification – Energy generating systems);
- 12 (14) § 4–212 (Agritourism);
- 13 (15) § 4–213 (Alcohol production);
- 14 (16) § 4–214 (Agricultural alcohol production);
- 15 (17) § 4–215 (Pollinator–friendly vegetation management);
- 16 (18) § 5–102(d) (Subdivision regulations – Burial sites);
- 17 (19) § 5–104 (Major subdivision – Review);
- 18 (20) Title 7, Subtitle 1 (Development Mechanisms);
- 19 (21) Title 7, Subtitle 2 (Transfer of Development Rights);
- 20 (22) except in Montgomery County or Prince George’s County, Title 7,
- 21 Subtitle 3 (Development Rights and Responsibilities Agreements);
- 22 (23) Title 7, Subtitle 4 (Inclusionary Zoning);
- 23 (24) Title 7, Subtitle 5 (Housing Expansion and Affordability);
- 24 (25) § 8–401 (Conversion of overhead facilities);

(26) for Baltimore County only, Title 9, Subtitle 3 (Single-County Provisions – Baltimore County);

(27) for Frederick County only, Title 9, Subtitle 10 (Single-County Provisions – Frederick County);

(28) for Howard County only, Title 9, Subtitle 13 (Single-County Provisions – Howard County);

(29) for Talbot County only, Title 9, Subtitle 18 (Single-County Provisions – Talbot County); [and]

(30) Title 11, Subtitle 2 (Civil Penalty); AND

**(31) TITLE 12 ~~(REGIONAL HOUSING INFRASTRUCTURE GAP)~~
(HOUSING DEVELOPMENT ACT).**

(c) This section supersedes any inconsistent provision of Division II of this article.
10–103.

(a) Except as provided in this section, this division does not apply to Baltimore City.

(b) The following provisions of this division apply to Baltimore City:

(1) this title;

(2) § 1–101(m) (Definitions – “Priority funding area”);

(3) § 1–101(o) (Definitions – “Sensitive area”);

(4) § 1–201 (Visions);

(5) § 1–206 (Required education);

(6) § 1–207 (Annual report – In general);

(7) § 1–208 (Annual report – Measures and indicators);

(8) Title 1, Subtitle 3 (Consistency);

(9) Title 1, Subtitle 4, Parts II and III (Home Rule Counties – Comprehensive Plans; Implementation);

(10) § 4–104(c) (Limitations – Bicycle parking);

(11) § 4–104(d) (Limitations – Manufactured homes and modular dwellings);

(12) § 4–205 (Administrative adjustments);

(13) § 4–207 (Exceptions – Maryland Accessibility Code);

(14) § 4–210 (Permits and variances – Solar panels);

(15) § 4–211 (Change in zoning classification – Energy generating systems);

(16) § 4–215 (Pollinator–friendly vegetation management);

(17) § 5–102(d) (Subdivision regulations – Burial sites);

(18) Title 7, Subtitle 1 (Development Mechanisms);

(19) Title 7, Subtitle 2 (Transfer of Development Rights);

(20) Title 7, Subtitle 3 (Development Rights and Responsibilities
Agreements);

(21) Title 7, Subtitle 4 (Inclusionary Zoning);

(22) Title 7, Subtitle 5 (Housing Expansion and Affordability); [and]

(23) Title 11, Subtitle 2 (Civil Penalty); AND

(24) ~~TITLE 12 (REGIONAL HOUSING INFRASTRUCTURE GAP)~~
(HOUSING DEVELOPMENT ACT).

~~TITLE 12. REGIONAL HOUSING INFRASTRUCTURE GAP.~~

~~SUBTITLE 1. GENERAL PROVISIONS.~~

~~12-101.~~

~~(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.~~

~~(B) “JOBS TO HOUSING RATIO” MEANS THE TOTAL NUMBER OF JOBS BY
PLACE OF WORK DIVIDED BY THE TOTAL NUMBER OF HOUSING UNITS.~~

~~(C) “LOCAL HOUSING INFRASTRUCTURE GAP” MEANS THE SHARE OF A
REGIONAL HOUSING INFRASTRUCTURE GAP APPORTIONED TO A LOCAL
JURISDICTION UNDER § 12-201(B) OF THIS TITLE.~~

~~(D) "REGION" MEANS AN AREA DESIGNATED UNDER § 12-102 OF THIS SUBTITLE.~~

~~(E) "REGIONAL HOUSING INFRASTRUCTURE GAP" MEANS THE NUMBER OF HOUSING UNITS NEEDED FOR A REGION'S JOBS TO HOUSING RATIO TO BE BELOW 1.5 ACCORDING TO THE CALCULATION MADE UNDER § 12-201(A) OF THIS TITLE.~~

~~12-102.~~

~~FOR PURPOSES OF THIS TITLE, REGIONS ARE DESIGNATED AS FOLLOWS:~~

~~(1) THE BALTIMORE REGION INCLUDES ANNE ARUNDEL COUNTY, BALTIMORE COUNTY, CARROLL COUNTY, HARFORD COUNTY, HOWARD COUNTY, AND BALTIMORE CITY;~~

~~(2) THE WASHINGTON SUBURBAN REGION INCLUDES FREDERICK COUNTY, MONTGOMERY COUNTY, AND PRINCE GEORGE'S COUNTY;~~

~~(3) THE SOUTHERN MARYLAND REGION INCLUDES CALVERT COUNTY, CHARLES COUNTY, AND ST. MARY'S COUNTY;~~

~~(4) THE WESTERN MARYLAND REGION INCLUDES ALLEGANY COUNTY, GARRETT COUNTY, AND WASHINGTON COUNTY;~~

~~(5) THE UPPER EASTERN SHORE REGION INCLUDES CAROLINE COUNTY, CECIL COUNTY, KENT COUNTY, QUEEN ANNE'S COUNTY, AND TALBOT COUNTY; AND~~

~~(6) THE LOWER EASTERN SHORE REGION INCLUDES DORCHESTER COUNTY, SOMERSET COUNTY, WICOMICO COUNTY, AND WORCESTER COUNTY.~~

~~SUBTITLE 2. REQUIREMENTS.~~

~~12-201.~~

~~(A) ON OR BEFORE JANUARY 1 EACH YEAR THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND THE DEPARTMENT OF PLANNING SHALL PUBLISH, FOR EACH REGION DESIGNATED UNDER § 12-102 OF THIS TITLE:~~

~~(1) THE TOTAL NUMBER OF HOUSING UNITS;~~

~~(2) THE TOTAL NUMBER OF JOBS BY PLACE OF WORK;~~

~~(3) THE JOBS TO HOUSING RATIO;~~

~~(4) THE NUMBER OF HOUSING UNITS NEEDED TO BE PRODUCED FOR THE REGION TO REACH A JOBS TO HOUSING RATIO OF 1.5 OR LESS; AND~~

~~(5) THE DIFFERENCE BETWEEN THE EXISTING NUMBER OF HOUSING UNITS AND THE NUMBER OF HOUSING UNITS NEEDED FOR THE REGION TO REACH A JOBS TO HOUSING RATIO OF 1.5 OR LESS.~~

~~(B) THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND THE DEPARTMENT OF PLANNING SHALL APPORTION A REGIONAL HOUSING INFRASTRUCTURE GAP TO:~~

~~(1) EACH COUNTY BASED ON THE SHARE OF REGIONAL JOBS LOCATED IN THE COUNTY; AND~~

~~(2) EACH INCORPORATED MUNICIPALITY BASED ON THE SHARE OF REGIONAL JOBS LOCATED IN THE MUNICIPALITY.~~

~~12-202.~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) "AFFORDABLE" MEANS THAT HOUSING COSTS DO NOT EXCEED 30% OF A HOUSEHOLD'S INCOME.~~

~~(3) "AFFORDABLE HOUSING UNIT" MEANS A DWELLING UNIT THAT IS DEED RESTRICTED TO BE AFFORDABLE TO A HOUSEHOLD EARNING 60% OR LESS OF THE AREA MEDIAN INCOME FOR A PERIOD OF AT LEAST 40 YEARS.~~

~~(4) "AREA MEDIAN INCOME" MEANS THE MEDIAN HOUSEHOLD INCOME FOR THE AREA ADJUSTED FOR HOUSEHOLD SIZE AS PUBLISHED AND ANNUALLY UPDATED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.~~

~~(5) "HOUSING UNIT BUILT" MEANS A NEWLY CONSTRUCTED OR SUBSTANTIALLY RENOVATED RESIDENTIAL DWELLING UNIT THAT HAS RECEIVED A USE AND OCCUPANCY PERMIT FROM A LOCAL JURISDICTION ON OR AFTER JANUARY 1, 2026.~~

~~(6) (i) "RAIL STATION" MEANS A PRESENT OR PLANNED:~~

~~1. MARC STATION ALONG THE PENN, CAMDEN, OR BRUNSWICK LINES;~~

~~2. BALTIMORE METRO SUBWAY LINK STATION;~~

~~3. BALTIMORE LIGHT RAIL LINK STATION;~~

~~4. METRORAIL SYSTEM STATION; OR~~

~~5. ANY OTHER PASSENGER RAIL STATION.~~

~~(H) A RAIL STATION SHALL BE CONSIDERED "PLANNED" IF IT IS
ON A FINALIZED RAIL ROUTE WITH COMPLETED DEVELOPMENT APPROVALS.~~

~~(B) (1) THE NUMBER OF UNITS IN THE LOCAL HOUSING
INFRASTRUCTURE GAP MAY BE REDUCED IN ACCORDANCE WITH THIS SUBSECTION.~~

~~(2) FOR EVERY 1 HOUSING UNIT BUILT WITHIN THREE-QUARTERS OF
A MILE OF A RAIL STATION, 1.5 HOUSING UNITS MAY BE SUBTRACTED FROM THE
LOCAL HOUSING INFRASTRUCTURE GAP.~~

~~(3) FOR EVERY 1 AFFORDABLE HOUSING UNIT BUILT, 1.5 HOUSING
UNITS MAY BE SUBTRACTED FROM THE LOCAL HOUSING INFRASTRUCTURE GAP.~~

~~(C) CALCULATIONS UNDER SUBSECTION (B) OF THIS SECTION MAY NOT BE
COMBINED TO SUBTRACT MORE THAN 1.5 HOUSING UNITS FROM THE LOCAL
HOUSING INFRASTRUCTURE GAP PER 1 HOUSING UNIT BUILT.~~

~~(D) (1) IN ORDER TO REDUCE A LOCAL HOUSING INFRASTRUCTURE GAP
UNDER SUBSECTION (B) OF THIS SECTION, A LOCAL JURISDICTION SHALL SUBMIT
DOCUMENTATION TO THE DEPARTMENT OF HOUSING AND COMMUNITY
DEVELOPMENT.~~

~~(2) A SUBMISSION UNDER PARAGRAPH (1) OF THIS SUBSECTION
SHALL BE IN THE FORM AND MANNER THAT THE DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT REQUIRES.~~

~~12-203.~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.~~

~~(2) "AREA WITH INADEQUATE WATER OR WASTEWATER FACILITIES"
MEANS:~~

~~(I) AN AREA OUTSIDE AN EXISTING OR PLANNED WATER AND SEWER SERVICE AREA AS IDENTIFIED IN AN ADOPTED COUNTY PLAN UNDER TITLE 9, SUBTITLE 5 OF THE ENVIRONMENT ARTICLE; OR~~

~~(II) AN AREA INSIDE AN EXISTING OR PLANNED WATER AND SEWER SERVICE AREA AS IDENTIFIED IN AN ADOPTED COUNTY PLAN UNDER TITLE 9, SUBTITLE 5 OF THE ENVIRONMENT ARTICLE, WHERE THE CONNECTING WATER OR WASTEWATER FACILITY:~~

~~1. DOES NOT HAVE ADEQUATE CAPACITY OR IS ABOVE 80% CAPACITY; AND~~

~~2. DOES NOT HAVE A CAPACITY MANAGEMENT PLAN APPROVED BY THE DEPARTMENT OF THE ENVIRONMENT.~~

~~(3) "AREA ZONED FOR HEAVY INDUSTRIAL USE" MEANS AN AREA THAT:~~

~~(I) DOES NOT ALLOW RESIDENTIAL USES; AND~~

~~(II) ALLOWS FOR INTENSE INDUSTRIAL ACTIVITIES, SUCH AS HEAVY MANUFACTURING, ASSEMBLING, OR INDUSTRIAL PROCESSING ACTIVITIES, THAT MAY CREATE SIGNIFICANT NOISE, DUST, VIBRATION, CLARE, ODORS, AND OTHER ADVERSE ENVIRONMENTAL IMPACTS.~~

~~(4) "CURRENT OR PROJECTED FULL TIME ENROLLMENT" MEANS:~~

~~(I) A SCHOOL'S FULL TIME ENROLLMENT AT THE TIME OF THE HOUSING DEVELOPMENT APPLICATION; OR~~

~~(II) A SCHOOL'S PROJECTED FULL TIME ENROLLMENT FOR A SCHOOL YEAR NOT LATER THAN THE 7TH FULL SCHOOL YEAR AFTER THE TIME OF THE HOUSING DEVELOPMENT PROJECT APPLICATION.~~

~~(5) "DENY A HOUSING DEVELOPMENT PROJECT APPLICATION" INCLUDES TO:~~

~~(I) DENY A HOUSING DEVELOPMENT PROJECT APPLICATION AT ANY STATE IN THE DEVELOPMENT PROCESS, INCLUDING ANY REQUIRED LAND USE APPROVALS OR ENTITLEMENTS NECESSARY FOR THE ISSUANCE OF A BUILDING PERMIT; AND~~

~~(II) REQUIRE THAT A HOUSING DEVELOPMENT PROJECT WAIT A PERIOD OF 1 OR MORE YEARS TO RECEIVE A BUILDING PERMIT.~~

~~(6) "GEOGRAPHICALLY ADJACENT SCHOOL" MEANS A SCHOOL THAT:~~

~~(I) IS OF THE SAME GRADE CONFIGURATION OR SHARES GRADE BAND OVERLAP; AND~~

~~(II) HAS AN ATTENDANCE AREA GEOGRAPHICALLY CONTIGUOUS TO THE SCHOOL ATTENDANCE AREA IN WHICH THE HOUSING DEVELOPMENT PROJECT IS LOCATED.~~

~~(7) "HOUSING DEVELOPMENT PROJECT" MEANS THE NEW CONSTRUCTION OR SUBSTANTIAL RENOVATION OF A RESIDENTIAL REAL ESTATE PROJECT.~~

~~(8) "HOUSING DEVELOPMENT PROJECT APPLICATION" MEANS AN APPLICATION FOR A BUILDING PERMIT, A VARIANCE, A WAIVER, A CONDITIONAL USE PERMIT, A SPECIAL PERMIT, A CERTIFICATION, AN AUTHORIZATION, A SITE PLAN APPROVAL, A SUBDIVISION APPROVAL, OR ANY OTHER DETERMINATION BY A LOCAL JURISDICTION RELATING TO A HOUSING DEVELOPMENT PROJECT.~~

~~(9) "OBJECTIVE WRITTEN DEVELOPMENT STANDARDS" MEANS OBJECTIVE, QUANTIFIABLE, WRITTEN DEVELOPMENT STANDARDS, CONDITIONS, AND POLICIES THAT ARE:~~

~~(I) NOT SUBJECT TO PERSONAL OR SUBJECTIVE JUDGMENT BY A PUBLIC OFFICIAL;~~

~~(II) UNIFORMLY VERIFIABLE BY REFERENCE TO AN EXTERNAL AND UNIFORM BENCHMARK OR CRITERION AVAILABLE AND KNOWABLE BY THE HOUSING DEVELOPMENT PROJECT APPLICANT; AND~~

~~(III) APPLIED TO FACILITATE AND ACCOMMODATE DEVELOPMENT AT THE DENSITY PERMITTED ON THE SITE.~~

~~(10) "SCHOOL ATTENDANCE AREA" MEANS THE GEOGRAPHIC AREA THAT CONTAINS THE RESIDENCES OF THE STUDENT POPULATION TO BE SERVED, AS DESIGNATED BY A COUNTY BOARD OF EDUCATION IN ACCORDANCE WITH § 4-109(C) OF THE EDUCATION ARTICLE.~~

~~(11) "SPECIFIC ADVERSE IMPACT" MEANS A SIGNIFICANT, QUANTIFIABLE, DIRECT, AND UNAVOIDABLE IMPACT, BASED ON OBJECTIVE, IDENTIFIED WRITTEN PUBLIC HEALTH OR SAFETY STANDARDS, POLICIES, OR CONDITIONS.~~

~~(12) "STATE RATED CAPACITY" MEANS THE NUMBER OF STUDENTS THAT AN INDIVIDUAL SCHOOL HAS THE PHYSICAL CAPACITY TO ENROLL, AS CALCULATED UNDER A FORMULA ADOPTED BY THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION.~~

~~(13) "SUBSTANTIAL RENOVATION" MEANS A RESIDENTIAL REAL ESTATE PROJECT THAT MEETS CRITERIA AS ANNUALLY ESTABLISHED AND IDENTIFIED BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT IN THE MULTIFAMILY RENTAL FINANCING PROGRAM GUIDE.~~

~~(B) THIS SECTION APPLIES ONLY TO A LOCAL JURISDICTION THAT HAS A LOCAL HOUSING INFRASTRUCTURE GAP GREATER THAN ZERO UNITS.~~

~~(C) A LOCAL JURISDICTION HAS AN AFFIRMATIVE OBLIGATION TO EXPEDITIOUSLY APPROVE A HOUSING DEVELOPMENT PROJECT APPLICATION.~~

~~(D) A LOCAL JURISDICTION MAY NOT DENY A HOUSING DEVELOPMENT PROJECT WITHOUT A JUSTIFICATION THAT:~~

~~(1) CLEARLY OUTWEIGHS THE NEED FOR HOUSING; AND~~

~~(2) IS SUPPORTED BY CLEAR AND CONVINCING EVIDENCE.~~

~~(E) A LOCAL JURISDICTION SHALL CITE AT LEAST ONE OF THE FOLLOWING AS A JUSTIFICATION TO DENY A HOUSING DEVELOPMENT PROJECT APPLICATION THAT CLEARLY OUTWEIGHS THE NEED FOR HOUSING:~~

~~(1) (I) THE HOUSING DEVELOPMENT PROJECT AS PROPOSED WOULD HAVE A SPECIFIC ADVERSE IMPACT ON THE PUBLIC HEALTH OR SAFETY TO THE RESIDENTS THAT WOULD LIVE IN THE PROJECT; AND~~

~~(II) THERE IS NO FEASIBLE METHOD TO SATISFACTORILY MITIGATE OR AVOID THE SPECIFIC ADVERSE IMPACT WITHOUT RENDERING THE HOUSING DEVELOPMENT PROJECT FINANCIALLY INFEASIBLE;~~

~~(2) (I) THE DENIAL OF THE HOUSING DEVELOPMENT PROJECT APPLICATION OR IMPOSITION OF CONDITIONS IS REQUIRED IN ORDER TO COMPLY WITH SPECIFIC STATE OR FEDERAL LAW; AND~~

~~(II) THERE IS NO FEASIBLE METHOD TO COMPLY WITHOUT RENDERING THE HOUSING DEVELOPMENT PROJECT FINANCIALLY INFEASIBLE;~~

~~(3) (I) THE HOUSING DEVELOPMENT PROJECT IS LOCATED IN AN AREA WITH INADEQUATE WATER OR WASTEWATER FACILITIES TO SERVE THE PROJECT; AND~~

~~(II) THERE IS NO FEASIBLE METHOD TO SERVICE THE HOUSING DEVELOPMENT PROJECT WITH WATER OR WASTEWATER FACILITIES;~~

~~(4) THE HOUSING DEVELOPMENT PROJECT IS LOCATED AT THE TIME OF THE APPLICATION:~~

~~(I) IN AN AREA ZONED FOR HEAVY INDUSTRIAL USE;~~

~~(II) ON CONSERVATION PROPERTY, AS DEFINED IN § 8-209.1 OF THE TAX PROPERTY ARTICLE; OR~~

~~(III) ON AGRICULTURAL LAND, AS DEFINED IN § 9-206 OF THE TAX PROPERTY ARTICLE;~~

~~(5) THE HOUSING DEVELOPMENT PROJECT IS LOCATED, AT THE TIME OF APPLICATION, IN A SCHOOL ATTENDANCE AREA:~~

~~(I) THAT HAS UNIFORMLY VERIFIABLE CURRENT OR PROJECTED FULL TIME ENROLLMENT FOR THE SCHOOL THAT EXCEEDS 100% OF THE SCHOOL'S CURRENT OR ESTIMATED STATE RATED CAPACITY;~~

~~(II) FOR WHICH THE SUM OF THE UNIFORMLY VERIFIABLE CURRENT OR PROJECTED FULL TIME ENROLLMENT FOR THE SCHOOL AND ITS GEOGRAPHICALLY ADJACENT SCHOOLS EXCEEDS 100% OF THE SUM OF THE CURRENT OR ESTIMATED STATE RATED CAPACITY FOR THOSE SCHOOLS; AND~~

~~(III) THAT HAS BEEN DETERMINED BY THE LOCAL JURISDICTION, USING UNIFORMLY VERIFIABLE OBJECTIVE CRITERIA, TO HAVE INADEQUATE SCHOOL CAPACITY; OR~~

~~(6) (I) THE HOUSING DEVELOPMENT PROJECT DOES NOT COMPLY WITH OBJECTIVE WRITTEN DEVELOPMENT STANDARDS AT THE TIME OF APPLICATION SUBMISSION; AND~~

~~(II) THERE IS NO FEASIBLE METHOD TO COMPLY WITHOUT RENDERING THE DEVELOPMENT FINANCIALLY INFEASIBLE.~~

~~(F) IF A LOCAL JURISDICTION DENIES A HOUSING DEVELOPMENT PROJECT APPLICATION, THE LOCAL JURISDICTION MUST PROVIDE IN WRITING THE REASON~~

~~FOR DENIAL, SPECIFYING HOW THE DENIAL COMPLIES WITH SUBSECTIONS (C) THROUGH (E) OF THIS SECTION.~~

~~(G) (1) THE PROPONENT OF A HOUSING DEVELOPMENT PROJECT MAY BRING AN ACTION IN THE APPROPRIATE CIRCUIT COURT TO ENFORCE THIS SECTION.~~

~~(2) (H) IF A COURT FINDS THAT A LOCAL JURISDICTION DENIED A HOUSING DEVELOPMENT PROJECT APPLICATION IN VIOLATION OF THIS SECTION, THE COURT SHALL ISSUE AN ORDER OR A JUDGMENT COMPELLING THE JURISDICTION TO COMPLY WITHIN 90 DAYS WITH THIS SECTION.~~

~~(H) AN ORDER OR A JUDGMENT COMPELLING COMPLIANCE UNDER THIS SECTION MAY INCLUDE AN ORDER OR A JUDGMENT:~~

~~1. REQUIRING THE LOCAL JURISDICTION TO TAKE ACTION ON THE HOUSING DEVELOPMENT PROJECT; OR~~

~~2. DIRECTING THE LOCAL JURISDICTION TO APPROVE THE HOUSING DEVELOPMENT PROJECT.~~

~~(3) IF THE COURT DETERMINES THAT ITS ORDER OR JUDGMENT HAS NOT BEEN CARRIED OUT WITHIN 90 DAYS, THE COURT MAY ISSUE FURTHER ORDERS TO ENSURE THAT THE PURPOSES AND POLICIES OF THIS SECTION ARE FULFILLED.~~

TITLE 12. HOUSING DEVELOPMENT ACT.

SUBTITLE 1. DEFINITIONS.

12-101.

(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "COMMISSION" MEANS THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION.

(C) "DEPARTMENT" MEANS THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

SUBTITLE 2. HOUSING PRODUCTION TARGETS.

12-201.

1 **(A) ON OR BEFORE JANUARY 1, 2026, AND EVERY 10 YEARS THEREAFTER,**
2 **THE DEPARTMENT SHALL ESTABLISH HOUSING PRODUCTION TARGETS FOR:**

3 **(1) THE STATE;**

4 **(2) EACH COUNTY; AND**

5 **(3) EACH MUNICIPAL CORPORATION THAT EXERCISES ZONING OR**
6 **PLANNING AUTHORITY.**

7 **(B) IN ESTABLISHING THE HOUSING PRODUCTION TARGETS UNDER**
8 **SUBSECTION (A) OF THIS SECTION, THE DEPARTMENT SHALL:**

9 **(1) ANALYZE DATA AND FORECASTS RELATED TO:**

10 **(I) EMPLOYMENT DEMAND;**

11 **(II) HOUSING DEMAND;**

12 **(III) POPULATION GROWTH; OR**

13 **(IV) ANY OTHER RELATED INFORMATION;**

14 **(2) CONSULT WITH EACH LOCAL JURISDICTION THAT MAY HAVE**
15 **HOUSING PRODUCTION TARGETS ESTABLISHED UNDER SUBSECTION (A) OF THIS**
16 **SECTION; AND**

17 **(3) CONSULT WITH THE COMMISSION ABOUT HOUSING PRODUCTION**
18 **TARGETS THAT MAY BE ESTABLISHED WITHIN ITS JURISDICTION.**

19 **(C) THE DEPARTMENT MAY REEVALUATE AND REVISE THE ESTABLISHED**
20 **HOUSING PRODUCTION TARGETS USING INFORMATION RECEIVED UNDER**
21 **SUBSECTION (B) OF THIS SECTION.**

22 **(D) (1) THE DEPARTMENT SHALL PUBLISH THE CURRENT HOUSING**
23 **PRODUCTION TARGETS ESTABLISHED UNDER THIS SECTION ON THE DEPARTMENT'S**
24 **WEBSITE AND NOTIFY THE COMMISSION AND EACH APPLICABLE LOCAL**
25 **JURISDICTION OF THE TARGETS IN A TIMELY MANNER.**

26 **(2) THE PUBLICATION UNDER THIS SUBSECTION SHALL PROVIDE A**
27 **SUPPORTING BASIS FOR THE HOUSING PRODUCTION TARGETS THAT ARE**
28 **ESTABLISHED.**

1 **(3) WITHIN 1 MONTH AFTER THE PUBLICATION OF HOUSING**
2 **PRODUCTION TARGETS, AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, THE**
3 **DEPARTMENT SHALL SUBMIT A REPORT ON THE INFORMATION PUBLISHED**
4 **REGARDING HOUSING PRODUCTION TARGETS TO THE GOVERNOR AND, IN**
5 **ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL**
6 **ASSEMBLY.**

7 **12-202.**

8 **(A) ON OR BEFORE JANUARY 1, 2027, AND ON OR BEFORE JANUARY 1 EACH**
9 **YEAR THEREAFTER, THE DEPARTMENT SHALL PUBLISH A REPORT BASED ON THE**
10 **HOUSING PRODUCTION TARGETS ESTABLISHED UNDER § 12-201 OF THIS SUBTITLE**
11 **THAT:**

12 **(1) IDENTIFIES THE HOUSING PRODUCTION TARGETS FOR THE STATE**
13 **AND EACH LOCAL JURISDICTION;**

14 **(2) ASSESSES THE PROGRESS OF THE STATE AND EACH LOCAL**
15 **JURISDICTION WITH MEETING APPLICABLE HOUSING PRODUCTION TARGETS; AND**

16 **(3) PROVIDES A SUPPORTING BASIS FOR ANY ALTERATION TO AN**
17 **ESTABLISHED HOUSING PRODUCTION TARGET.**

18 **(B) THE DEPARTMENT SHALL CONSIDER HOUSING PRODUCTION THAT HAS**
19 **BEEN APPROVED OR SIMILARLY AUTHORIZED WHEN DETERMINING THE PROGRESS**
20 **OF THE STATE OR A LOCAL JURISDICTION WITH MEETING APPLICABLE HOUSING**
21 **PRODUCTION TARGETS UNDER SUBSECTION (A)(2) OF THIS SECTION.**

22 **(C) THE DEPARTMENT MAY PROVIDE POTENTIAL SOLUTIONS TO ASSIST**
23 **THE STATE OR A LOCAL JURISDICTION WITH MEETING APPLICABLE HOUSING**
24 **PRODUCTION TARGETS IN THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS**
25 **SECTION.**

26 **(D) (1) THE DEPARTMENT SHALL PUBLISH THE REPORT ON THE**
27 **DEPARTMENT'S WEBSITE AND NOTIFY EACH APPLICABLE LOCAL JURISDICTION AND**
28 **THE COMMISSION OF THE REPORT IN A TIMELY MANNER.**

29 **(2) WITHIN 1 MONTH AFTER THE PUBLICATION OF THE REPORT**
30 **REQUIRED IN PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL**
31 **SUBMIT THE REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF**
32 **THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.**

(E) THE DEPARTMENT IS NOT REQUIRED TO PROVIDE A REPORT UNDER THIS SECTION IN THE SAME YEAR THAT A HOUSING PRODUCTION TARGET REPORT IS REQUIRED UNDER § 12-201 OF THIS SUBTITLE.

12-203.

THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

SUBTITLE 3. LOCAL REGULATORY PROCEDURES.

12-301.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “HOUSING DEVELOPMENT PROJECT” MEANS THE NEW CONSTRUCTION OR SUBSTANTIAL RENOVATION OF A RESIDENTIAL REAL ESTATE PROJECT.

(C) “HOUSING DEVELOPMENT PROJECT APPLICATION” MEANS AN APPLICATION FOR A BUILDING PERMIT, A CERTIFICATION, AN AUTHORIZATION, A SITE PLAN APPROVAL, A SUBDIVISION APPROVAL, A CONCEPTUAL PLAN, OR ANY OTHER DETERMINATION BY A LOCAL JURISDICTION OR THE COMMISSION RELATING TO A HOUSING DEVELOPMENT PROJECT THAT HAS BEEN SUBMITTED TO A LOCAL JURISDICTION OR THE COMMISSION IN COMPLIANCE WITH APPLICABLE REQUIREMENTS.

(D) “SUBSTANTIALLY COMPLETE APPLICATION” MEANS AN APPLICATION THAT SATISFIES A SUBSTANTIAL MAJORITY OF THE APPLICATION REQUIREMENTS, BUT MAY CONTAIN NONSUBSTANTIVE ERRORS, OMISSIONS, OR SIMILAR INCONSEQUENTIAL DEFICIENCIES.

12-302.

(A) (1) SUBJECT TO PARAGRAPH (2)(I) OF THIS SUBSECTION, THE APPROVAL, CONDITIONAL APPROVAL, OR DENIAL OF A HOUSING DEVELOPMENT PROJECT APPLICATION BY A LOCAL JURISDICTION OR THE COMMISSION SHALL BE GOVERNED ONLY BY THE DULY ADOPTED LAWS AND REGULATIONS IN EFFECT WHEN THE COMPLETE APPLICATION OR SUBSTANTIALLY COMPLETE APPLICATION WAS SUBMITTED.

(2) (I) IF A LOCAL JURISDICTION OR THE COMMISSION PROVIDES FOR THE APPROVAL OF A HOUSING DEVELOPMENT PROJECT IN MULTIPLE STAGES, THE DATE OF A COMPLETE APPLICATION OR SUBSTANTIALLY COMPLETE APPLICATION SUBMISSION UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE

THE DATE OF THE FIRST COMPLETE APPLICATION OR SUBSTANTIALLY COMPLETE APPLICATION SUBMISSION FOR ANY PROCESS THAT MAY CULMINATE IN THE FINAL APPROVAL OF THE APPLICATION.

(II) A ZONING TEXT AMENDMENT, APPLICATION FOR REZONING, OR OTHER LOCAL EQUIVALENT MAY NOT BE CONSIDERED AS A PROCESS THAT MAY CULMINATE IN THE FINAL APPROVAL OF AN APPLICATION UNDER THIS PARAGRAPH.

(B) (1) ONCE A HOUSING DEVELOPMENT PROJECT HAS BEEN APPROVED, THE PROJECT SHALL HAVE A VESTED RIGHT TO THAT AUTHORIZED USE AND DEVELOPMENT FOR AT LEAST 5 YEARS OR A PERIOD GRANTED BY THE LOCAL JURISDICTION OR THE COMMISSION, WHICHEVER IS LONGER.

(2) A LOCAL JURISDICTION OR THE COMMISSION MAY EXTEND THE TIME PERIOD OF THE AUTHORIZED USE AND DEVELOPMENT FOR A HOUSING DEVELOPMENT PROJECT UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(C) THIS SECTION MAY NOT BE CONSTRUED TO:

(1) PREVENT THE EXPIRATION OF AN APPROVAL OF A HOUSING DEVELOPMENT PROJECT APPLICATION IN ACCORDANCE WITH THE LAWS OR REGULATIONS OF THE LOCAL JURISDICTION OR THE COMMISSION; OR

(2) LIMIT THE ABILITY OF A LOCAL JURISDICTION OR THE COMMISSION TO:

(I) APPLY HEALTH AND SAFETY LAWS OR REGULATIONS THAT ARE NECESSARY TO ADDRESS IMMEDIATE THREATS TO PUBLIC SAFETY;

(II) EXECUTE A DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT UNDER TITLE 7, SUBTITLE 3 OF THIS ARTICLE; OR

(III) APPROVE A ZONING TEXT AMENDMENT, APPLICATION FOR REZONING, OR OTHER LOCAL EQUIVALENT TO INCREASE THE DENSITY OF A HOUSING DEVELOPMENT PROJECT BEYOND THE MAXIMUM ALLOWABLE AMOUNT AT THE TIME OF COMPLETE APPLICATION OR SUBSTANTIALLY COMPLETE APPLICATION SUBMISSION UNDER SUBSECTION (A)(1) OR (2)(I) OF THIS SECTION.

(D) THE REQUIREMENTS OF THIS SECTION APPLY TO LOCAL JURISDICTIONS AND THE COMMISSION ONLY TO THE EXTENT THAT THEY DO NOT CONFLICT WITH A SPECIFIED FEDERAL OR STATE LAW OR REGULATION.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) There is a Housing Opportunities Made Equitable Commission.

(b) The Commission consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of Housing and Community Development, or the Secretary's designee;

(4) the Secretary of Planning, or the Secretary's designee;

(5) the Secretary of the Environment, or the Secretary's designee;

(6) the Secretary of Health, or the Secretary's designee; and

(7) the following members, appointed by the Secretary of Housing and Community Development:

(i) one representative of county government representing rural communities;

(ii) one representative of county government representing urban or suburban communities;

(iii) one representative of municipal government representing rural communities;

(iv) one representative of municipal government representing urban or suburban communities; and

(v) ~~seven~~ eight representatives who reside in the State and have extensive knowledge of at least one of the following areas:

1. residential real estate construction;

2. residential real estate development or financing;

3. residential real estate ownership;

4. local government planning and regulations;

~~4.~~ 5. local permitting and licensing;

~~5.~~ 6. environmental engineering;

~~6.~~ 7. historic preservation; and

~~7.~~ 8. the housing needs of low-income individuals.

(c) The Governor shall designate a chair from the members of the Commission.

(d) The Department of Housing and Community Development shall provide staff for the Commission.

(e) A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Commission shall:

(1) study and make recommendations on ways the State and local governments can improve the housing supply and housing affordability; and

(2) identify and assess factors that impact the housing supply and housing affordability, including:

(i) labor and material costs;

(ii) taxes and fees;

(iii) access to financing and capital investment;

(iv) planning, zoning, and land use regulations;

(v) State building standards;

(vi) appeals and other legal barriers;

(vii) permitting and approval processes;

(viii) the availability of land for housing;

(ix) creating and financing affordable housing; and

(x) infrastructure.

(g) On or before July 1, 2026, the Commission shall report its findings and recommendations to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~January 1, 2026~~ June 1, 2025.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.